

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Robert P. DesRoches

v.

Civil No. 05-cv-88-PB

US Postal Service,
Poster Master General , et al

ORDER

Re: Document No. 95, Motion for Summary Judgment

Ruling: DesRoches waived any statute of limitations defense by failing to timely assert it as an affirmative defense. In any event, DesRoches was not unjustly enriched until he received payment from the Postal Service in January 2005. Because the unjust enrichment claim was asserted within a matter of months after DesRoches received payment, the claim is not time barred. Motion granted. The clerk shall enter judgement for the Postal Service consistent with the court's orders and close the case.

/s/ Paul Barbadoro
Paul Barbadoro
U.S. District Judge

Date: July 2, 2009

cc: Counsel of Record